

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING and
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK
CAR AUTO RACING, LLC and JAMES
FRANCE,

Defendants.

Civil Action No. 3:24-cv-886-FDW-SCR

**PLAINTIFFS' MOTION FOR AN
EXPEDITED BRIEFING AND HEARING SCHEDULE**

Pursuant to the Court's Initial Scheduling Order Rule 3(b)(v), Plaintiffs respectfully move this Court for an expedited briefing and hearing schedule in connection with their concurrently filed motion for preliminary injunction. In support of this motion, Plaintiffs state as follows:

1. Following the denial without prejudice of Plaintiffs' motion for preliminary injunction (Dkt. 42) and the voluntary dismissal of their Fourth Circuit appeal of that order (24-2134, No. 27), Plaintiffs have concurrently filed a motion for preliminary injunction in this Court with evidence of changed circumstances.

2. Due to the nature of Plaintiffs' motion and the upcoming holidays, Plaintiffs request that this Court issue an expedited briefing and hearing schedule for Plaintiffs' motion. As detailed in Plaintiffs' concurrently filed motion, Plaintiffs seek the Court's ruling on its motion to meet certain contractual deadlines on December 17, 18, and 20, all triggered after the Court's November 8, 2024 Order. Moreover, Plaintiffs' business partners have requested conversations occur as soon

as this week for updates regarding these contractual deadlines. Since the standard briefing schedule under Local Rule 7.1(e) would have briefing completed on December 17, Plaintiffs request an expedited schedule.

3. An expedited schedule aligns with what this Court previously ordered for Plaintiffs' original motion for preliminary injunction (Dkt. No. 24). For Plaintiffs' original motion, this Court ordered Defendants to file their response within five days and scheduled a hearing for exactly one week after the filing of Plaintiffs' motion. This Court only reverted to the standard briefing schedule (Dkt. 26) after Plaintiffs consented to Defendants' request for a less expedited schedule because of Hurricane Milton (Dkt. 25).

4. On November 25, 2024, counsel for the parties discussed Plaintiffs' concurrently filed motion and an expedited briefing and hearing schedule, but did not reach agreement on the expedited schedule.

5. Plaintiffs propose the following schedule based on the Court's prior expedited briefing and hearing schedule, the upcoming holidays, and the Plaintiffs' need for a ruling before December 17.

- **November 26, 2024:** Plaintiffs' Opening Brief due
- **December 6, 2024:** Defendants' Response Brief due
- **December 10, 2024:** Plaintiffs' Reply Brief due
- **December 12 or 13, 2024:** Hearing on Plaintiffs' Motion for a Preliminary Injunction

6. Defendants proposed the following expedited briefing schedule and noted any hearing should be at the Court's discretion.

- **November 26, 2024:** Plaintiffs' Opening Brief due
- **December 9, 2024:** Defendants' Response Brief due
- **December 11, 2024:** Plaintiffs' Reply Brief due

7. For the reasons stated above, Plaintiffs respectfully request this Court grant their motion for an expedited briefing and hearing schedule in connection with their concurrently filed motion for preliminary injunction and order Plaintiffs' proposed schedule.

Dated: November 26, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PLAINTIFFS' MOTION FOR AN EXPEDITED BRIEFING AND HEARING SCHEDULE** was electronically filed using the Court's CM/ECF system, which will automatically send notice of this filing to counsel of record for all parties, including:

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